

MINUTES OF THE MEETING

BUILDING CODE ADMINISTRATORS AND INSPECTORS BOARD

Florida Hotel and Conference Center

1500 Sand Lake Road

Orlando, FL

December 1, 2, & 3, 2010

December 1, 2010

APPLICATION REVIEW COMMITTEE

CALL TO ORDER

Mr. McCormick called the meeting to order at 9:01 a.m.

Members Present

Bob Kymalainen

Bob McCormick

Members Not Present

Nick Sasso, Chair

Others Present

Robyn Barineau, Executive Director

Elise Rice, Government Analyst

Enrique Gaston

REVIEW OF APPLICATIONS

Enrique Gaston – Provisional Building Plans Examiner and Provisional Building Inspector

Mr. Gaston was present at the meeting and his applications were approved by the committee.

At this time the committee reviewed applications.

ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 10:53 p.m.

December 2, 2010

BOARD MEETING

CALL TO ORDER

Chair McCormick called the meeting to order at 9:18 a.m.

Members Present

Bob McCormick, Chair
Richard Gathright, Vice-Chair
Art Barthlow
Dennis Carpenter
Gerry Demers
Fred Dudley*
Bob Kymalainen
Orlando Lamas
Nick Sasso

Mr. Dudley arrived at 12:40 p.m.

Others Present

Robyn Barineau, Executive Director
Elise Rice, Government Analyst
Khai Patterson, Board Counsel
Elizabeth Duffy, Prosecuting Attorney
Doug Harvey, Building Officials Association of Florida (BOAF)
JoAnne Gamble, BOAF
Celeste Roman, BOAF
Wayne Francis
Robin Brinkley
William Graham
Michael A. Umholtz
Michael Marchetti
Darryl Dempsey
Henry Stobaugh
Evan Spaak
David Laver
Jerry Peck
Robert Fought
David Hodges
Timothy Harbuck
Roosevelt Morris
Mike Doyle
Chris Giametta
Robert vonKampen, Ph.D., International Code Council (ICC)
Myranda Walters, ICC
Alfredo Gonzalez
Randy Moore
Michael Carter
Tom Allen
Daniel Swinarski
Bill Dumbaugh
Heather Howard, Court Reporter

SETTLEMENT STIPULATIONS
Robin Brinkley, Case #2005-034904
(PCP Counsel, Nagin & Bertalomi)

Mr. Brinkley was present at the meeting and was sworn in by the court reporter. Mr. William Graham, Esquire, was also present. There was a hand-out letter from the individuals that filed the complaint.

Mr. Sasso stated that it was suggested by board counsel that he recuse himself for this case.

Ms. Duffy presented the case and informed the board that a letter had been provided from the individuals that filed the complaint for their review. She informed the board that Mr. Brinkley had agreed to a Settlement Stipulation calling for his appearance at the meeting, six months probation, costs in the amount of \$536.84, and an oral reprimand.

Following discussion, the following action was taken.

- MOTION: Mr. Demers made a motion that the board accept the Settlement Stipulation as presented.
SECOND: Vice-Chair Gathright seconded the motion which passed with Mr. Barthlow voting against the motion.

Darryl Dempsey, Case #2008-029189
(PCP Dudley, Nagin & Bertalomi)

Mr. Dempsey was present at the meeting and was sworn in by the court reporter. Ms. Duffy informed the board that Mr. Dempsey did have counsel and she needed for Mr. Dempsey to go on record and state whether or not he wanted to proceed without counsel. Mr. Dempsey stated he wanted to proceed.

Ms. Duffy presented the facts and stated that Mr. Dempsey had agreed to a Settlement Stipulation calling for his appearance at the meeting, costs in the amount of \$508.45, six months probation and an oral reprimand.

Following discussion. the following action was taken.

- MOTION: Mr. Demers made a motion that the board accept the Settlement Stipulation as presented.
SECOND: Vice-Chair Gathright seconded the motion which passed with Mr. Barthlow and Mr. Sasso voting against the motion.

Steven Kirker, Case #2009-051577
(PCP McCormick & Gathright)

Mr. Kirker was not present at the meeting, however, Ms. Duffy reminded the board that Mr. Kirker appeared at the October meeting in Gainesville and testified, asking that the fine be reduced. Ms. Duffy stated that the new Settlement Stipulation was included in

the hand-out calling for costs in the amount of \$1,011.75, and a fine in the amount of \$1,500.

Mr. Sasso stated that it was suggested by board counsel that he recuse himself for this case.

Following discussion, the following action was taken.

MOTION: Mr. Demers made a motion that the board accept the Settlement Stipulation as presented.

SECOND: Mr. Carpenter seconded the motion and it passed unanimously.

**Evan Spaak, Case #2008-029192
(PCP Dudley, Nagin & Bertalomi)**

Mr. Spaak was present at the meeting and was sworn in by the court reporter. Ms. Duffy informed the board that Mr. Spaak did have counsel and she needed for Mr. Spaak to go on record and state whether or not he wanted to proceed without counsel. Mr. Spaak stated he wanted to proceed.

Ms. Duffy presented the facts and stated that Mr. Spaak had agreed to a Settlement Stipulation calling for \$456.79 costs and six months probation.

Following discussion, the following action was taken.

MOTION: Vice-Chair Gathright made a motion that the board accept the Settlement Stipulation as presented.

SECOND: Mr. Kymalainen seconded the motion which passed with Mr. Barthlow and Mr. Sasso voting against the motion.

INFORMAL HEARINGS

**Robert Fought, Case #2010-000714
(PCP Dudley, Gathright, McCormick)**

Mr. Fought was present at the meeting and was sworn in by the court reporter.

Ms. Duffy presented the facts. She stated that the department recommended a penalty as follows: costs of \$292.82, a \$1,500 fine and revocation be imposed.

Mr. Sasso asked which license would be revoked. Ms. Duffy responded that license number BN4494 was the one in the complaint. Ms. Patterson informed the board that they can only take action on the license named in the complaint.

Following discussion, the following action was taken.

MOTION: Mr. Demers made a motion that the board adopt the Findings of Fact of the Administrative Complaint as the complaint of the Board and the Conclusions of Law as the conclusions of the board which constitute a violation.

SECOND: Mr. Carpenter seconded the motion and it passed unanimously.

MOTION: Mr. Demers made a motion that the board revoke license BN4494, impose a \$1,500 fine, and \$292.82 costs.

SECOND: Mr. Barthlow seconded the motion and it passed unanimously.

Mr. Sasso asked staff to follow up with a complaint or an Emergency Suspension Order (ESO) against the other license(s). Ms. Duffy explained how an ESO works, and stated that it can be considered to see if this needs to be done.

**Timothy Harbuck, Case #2010-008231
(PCP Dudley, Gathright, McCormick)**

Mr. Harbuck was present and was sworn in by the court reporter. Ms. Duffy informed the board that the license number contained in the Administrative Complaint was incorrect and it should be BU195. Ms. Duffy presented the facts and stated that the department recommended imposing costs of \$1,167.22, a \$1,500 fine, and probation. She asked that the probation time frame be determined by the board.

Following discussion, the following action was taken.

MOTION: Mr. Demers made a motion that the board adopt the Findings of Fact of the Administrative Complaint as the complaint of the Board and the Conclusions of Law as the conclusions of the board which constitute a violation.

SECOND: Mr. Sasso seconded the motion and it passed unanimously.

MOTION: Mr. Demers made a motion that the board impose a \$1,500 fine, probation for 12 months, costs of \$1,167.22, and six additional continuing education credit hours in the area of laws and rules.

SECOND: Mr. Barthlow seconded the motion.

In discussion, Mr. Harbuck informed the board that he was retired and had no intention of using his license. He stated that he would voluntarily surrender the license if it would reduce the fine.

Mr. Demers withdrew his motion.

Following discussion, the following action was taken.

MOTION: Mr. Demers made a motion that the board impose a \$1,500 fine, revocation of license BU195, and \$1,167.22 costs.

SECOND: Mr. Barthlow seconded the motion and it passed unanimously.

**Roosevelt Morris, Case #2010-001377
(PCP Dudley, Gathright, McCormick)**

Mr. Morris was present at the meeting and was sworn in by the court reporter. Ms. Duffy presented the facts and stated that the department recommended imposing costs of \$107.09 and a \$1,500 fine.

Following discussion, the following action was taken.

MOTION: Mr. Sasso made a motion that the board adopt the Findings of Fact of the Administrative Complaint as the complaint of the Board and the Conclusions of Law as the conclusions of the board which constitute a violation.

SECOND: Mr. Demers seconded the motion and it passed unanimously.

MOTION: Mr. Sasso made a motion that the board impose a \$1,500 fine and \$107.09 in costs.

SECOND: Mr. Demers seconded the motion and it passed unanimously.

**Henry Stobaugh, Case #2008-029188
(PCP Dudley, Gathright, McCormick)**

Mr. Stobaugh was present at the meeting and was sworn in by the court reporter. Ms. Duffy presented facts and stated that the department recommended imposing costs of \$611.77, six months probation, and an oral reprimand.

Following discussion, the following action was taken.

MOTION: Mr. Demers made a motion that the board adopt the Findings of Fact of the Administrative Complaint as the complaint of the Board and the Conclusions of Law as the conclusions of the board which constitute a violation.

SECOND: Mr. Barthlow seconded the motion and it passed unanimously.

MOTION: Mr. Demers made a motion that the board impose \$611.77 in costs, six months probation for license BN1270, and an oral reprimand.

SECOND: Mr. Lamas seconded the motion and it passed unanimously.

Mr. Wayne Francis, Building Official, was sworn in by the court reporter and spoke on behalf of the respondents from Hillsborough County. He stated that they are honest and loyal men and, he is the fifth building official in the county in the last 15 years. Mr. Francis stated that the integrity of these gentlemen was well known.

**Andres Villareal, Case # 2008-020415
(PCP Dudley, Nagin & Bertolami)**

Mr. Villareal was still incarcerated and was not present. Ms. Duffy presented the facts and stated that the department recommended that the license be revoked, imposing a \$1,500 fine and costs in the amount of \$249.34.

Mr. Sasso stated that it was suggested by board counsel that he recuse himself for this case.

MOITON: Mr. Carpenter made a motion that the board adopt the Findings of Fact of the Administrative Complaint as the complaint of the Board and the Conclusions of Law as the conclusions of the board which constitute a violation.

SECOND: Mr. Lamas seconded the motion and it passed unanimously.

MOTION: Mr. Demers made a motion that the board revoke BN3353, impose a \$1,500 fine, and \$249.34 in costs.

SECOND: Mr. Carpenter seconded the motion and it passed unanimously.

PROSECUTING ATTORNEY REPORT – LIBBY DUFFY

Mr. Duffy provided a copy of her November 30, 2010, report at the meeting which she discussed with the board. In discussion, the board stated that a new case should be opened up for those that have not paid their fines and/or costs. They asked that at the next meeting they be provided with information on the collection process.

HEARINGS NOT INVOLVING DISPUTED ISSUES OF MATERIAL FACT

Alfredo Gonzalez – Building Inspector

Mr. Gonzalez was present at the meeting and was sworn in by the court reporter. Additional information had been provided for the board's review and information was provided at the meeting.

Following discussion, the following action was taken.

MOTION: Mr. Barthlow made a motion that the board uphold the denial as originally stated.

SECOND: Mr. Sasso seconded which failed with Mr. Demers, Mr. Carpenter, Chair McCormick and Mr. Lamas voting against the motion.

During discussion, Mr. Lamas was sworn in by the court reporter to provide an accurate translation of his responses. Following discussion, the following action was taken.

MOTION: Mr. Demers made a motion that in Cuba, Mr. Gonzalez would be considered an engineer and can self-certify his experience. Therefore, based on the testimony, and the four years of education, he moved that the application be approved for building inspector.

SECOND: Mr. Lamas seconded the motion which passed with Mr. Barthlow, Mr. Kymalainen and Mr. Sasso voting against the motion.

Mr. Dudley arrived at the meeting at this time.

David S. Laver – Building Inspector & Building Plans Examiner

Mr. Laver was present at the meeting and was sworn in by the court reporter. He had submitted a letter for the board's consideration.

Following discussion, the following action was taken.

MOTION: Vice-Chair Gathright made a motion that the board uphold the denial as originally stated on both applications.
SECOND: Mr. Kymalainen seconded the motion and it passed with Mr. Dudley voting against the motion.

Michael J. Marchetti – Provisional Building Inspector & Provisional Building Plans Examiner

Mr. Marchetti was present at the meeting and was sworn in by the court reporter. Mr. Marchetti held a contractor's license, and he discussed his experience with the board.

MOTION: Mr. Demers made a motion that the board approve the applications based on oral testimony provided at the meeting.
SECOND: Mr. Dudley seconded the motion which passed with Mr. Sasso voting against the motion.

Randall Alan Moore, Sr – Building Code Administrator

Mr. Moore was present at the meeting and was sworn in by the court reporter. Additional information had been provided for the board's review.

Following discussion, the following action was taken.

MOTION: Mr. Demers made a motion that the board approve the application based on the additional information and oral testimony.
SECOND: Mr. Dudley seconded the motion and it passed unanimously.

Jerry Wayne Peck – 1&2 Family Dwelling Inspector

Mr. Peck was present at the meeting and was sworn in by the court reporter. Additional information had been provided for the board's review and information was provided at the meeting.

Following discussion, the following action was taken.

MOTION: Vice-Chair Gathright made a motion that the board approve the application based on the additional information.
SECOND: Mr. Barthlow seconded the motion and it passed unanimously.

Daniel T. Swinarski – Building Inspector

Mr. Swinarski was present at the meeting and was sworn in by the court reporter. Additional information had been submitted for the board's review. Mr. Swinarski holds a contractor's license, and he discussed his experience with the board.

Following discussion, the following action was taken.

MOTION: Mr. Demers made a motion that the board approve the application based on the testimony and affidavits.

SECOND: Vice-Chair Gathright seconded the motion which passed with Mr. Barthlow and Mr. Sasso voting against the motion.

Michael Allen Umholtz – Electrical Inspector

Mr. Umholtz was present at the meeting and was sworn in by the court reporter. Additional information had been submitted for the board's review.

Following discussion, the following action was taken.

MOTION: Mr. Demers made a motion that the board approve the application based on the additional information.

SECOND: Vice-Chair Gathright seconded the motion and it passed unanimously.

RECESS

There being no further business to come before the board at this time, the meeting was recessed at 1:40 p.m.

RULES AND LEGISLATION COMMITTEE

CALL TO ORDER

Mr. Gathright, Chair of the committee, called the meeting to order at 3:21 p.m.

Members Present

Richard Gathright, Chair
Fred Dudley
Gerry Demers
Bob Kymalainen

Others Present

Robyn Barineau, Executive Director
Elise Rice, Government Analyst
Khai Patterson, Board Counsel
Bob McCormick
Dennis Carpenter
Art Barthlow
Orlando Lamas
Doug Harvey, BOAF
Bill Dumbaugh
David Hodges
Rob von Kampen, ICC
Myranda Walters, ICC
Joe Rebuck

LEGISLATIVE REPORT

Mr. Gathright informed the committee that a few bills had been filed, however, none impacted this board.

Mr. Dudley reported that in the 2010 Legislative Session, the septic tank program passed which requires periodic inspections of on-site disposal systems. He stated that the effective date was changed by a joint resolution, and that July 1, 2011, is the effective date.

RULES REPORT – Khai Patterson

Discussion of Rule 61G19-1.009, F.A.C., - Definitions

Ms. Patterson informed the committee that Mr. Dennis will report on this issue at the next meeting. Mr. McCormick commented that this was discussed briefly at the last meeting and BOAF was to be prepared to discuss refining the definition of one year experience.

Mr. Harvey, BOAF, stated that there continues to be confusion from applicants regarding the experience requirement. One of the things that has transpired with the Construction Industry Licensing Board is that there are specific items and a list of what has to have been done for consideration. They wanted to see if it would be beneficial to come up with a similar guideline for this board.

Mr. Kymalainen commented that this was tried before and it was turned down by the board. In discussion, Mr. Harvey stated that BOAF was willing to take this on and do a proposal.

OLD BUSINESS

There was no old business to come before the committee at this time.

NEW BUSINESS

There was no new business to come before the committee at this time.

ADJOURNMENT

There being no further business to come before the committee, the meeting was adjourned at 4:05 p.m.

EXAMINATION AND CONTINUING EDUCATION COMMITTEE

CALL TO ORDER

Mr. McCormick, Chair of the committee, called the meeting to order at 4:05 p.m.

Members Present

Bob McCormick, Chair
Art Barthlow
Dennis Carpenter
Gerry Demers
Fred Dudley
Richard Gathright
Bob Kymalainen
Orlando Lamas

Members Not Present

Nick Sasso

Others Present

Robyn Barineau, Executive Director

Elise Rice, Government Analyst

Khai Patterson, Board Counsel

Bob McCormick

Dennis Carpenter

Art Barthlow

Orlando Lamas

Doug Harvey, BOAF

Bill Dumbaugh

Rob von Kampen, ICC

Myranda Walters, ICC

Joe Rebuck

CONTINUING EDUCATION COURSES FOR REVIEW

FLORIDA SOLAR ENERGY CENTER (0000859)

New Course

1. Solar Water Heating Systems for Florida Building Officials
Requesting 4 hours GENERAL credit (F-2121, A-2180)

Following discussion, the following action was taken.

MOTION: Mr. Gathright made a motion that the committee deny the course as the outline was not detailed.

SECOND: Mr. Kymalainen seconded the motion which passed with Mr. Demers and Mr. McCormick voting against the motion.

BUILDING OFFICIALS ASSOCIATION OF FLORIDA (0001001)

Renewal Course

1. FBC Laws and Rules (0007388)
Requesting 2 hours LAWS & RULES credit (F-1680, A-2181)

Mr. Harvey was present at the meeting.

MOTION: Mr. Gathright made a motion that the committee approve the course as submitted.

SECOND: Mr. Demers seconded the motion and it passed unanimously.

BUILDING OFFICIALS AND INSPECTORS EDUCATIONAL ASSOCIATION (0000865)

New Courses

Mr. Dumbaugh was present at the meeting.

1. Florida Laws and Rules for Code Professionals
Requesting 2 hours LAWS & RULES credit (F-2122, A-2182)
2. Ethics for Building Code Professionals
Requesting 1 hour ETHICS credit (F-2123, A-2183)
3. Chapter 11, Florida Accessibility Code
Requesting 2 hours AOA credit (F-2124, A-2184)
4. Construction and Inspection 101 from dirt through C.O.
Requesting 2 hours GENERAL credit (F-2125, A-2185)
5. Solar Photovoltaic Systems
Requesting 2 hours GENERAL credit (F-2126, A-2186)
6. Green Water Towers (Low Bleed)
Requesting 2 hours GENERAL credit (F-2127, A-2187)
7. Energy Code Plan Review
Requesting 2 hours GENERAL credit (F-2128, A-2188)
8. Understanding Changes to the NEC Part #1
Requesting 2 hours GENERAL credit (F-2129, A-2189)
9. New Technologies
Requesting 1 hour GENERAL credit (F-2130, A-2190)
10. Understanding Changes to the NEC Part #2
Requesting 1 hour GENERAL credit (F-2131, A-2191)
11. Significant Changes to the Florida Plumbing Code
Requesting 1 hour GENERAL credit (F-2132, A-2192)
12. Duct Sealants as Required by the Energy Code
Requesting 1 hour GENERAL credit (F-2133, A-2193)
13. Understanding Truss Systems
Requesting 2 hours GENERAL credit (F-2134, A-2194)
14. Understanding Changes to the NEC Part #3
Requesting 2 hours GENERAL credit (F-2135, A-2195)
15. Introduction to Medical Gas and Vacuum Systems
Requesting 2 hours GENERAL credit (F-2136, A-2196)
16. Solar Air Conditioner
Requesting 2 hours GENERAL credit (F-2137, A-2197)
17. Roofing Installation - Polyfoam and Thermoplastic Singly Ply
Requesting 2 hours GENERAL credit (F-2138, A-2198)
18. Understanding Changes to the NEC Part #4
Requesting 2 hours GENERAL credit (F-2139, A-2199)
19. L.P. Gas Regulations and Investigations
Requesting 2 hours GENERAL credit (F-2140, A-2200)
20. Significant Changes to the Florida Mechanical Code
Requesting 2 hours GENERAL credit (F-2141, A-2201)
21. Comparison of Construction Requirements in the Floodplain, Florida
Building Code vs FEMA
Requesting 2 hours GENERAL credit (F-2142, A-2202)
22. The Certificate of Elevation
Requesting 2 hours GENERAL credit (F-2143, A-2203)
23. Enforcing the Floodplain
Requesting 2 hours GENERAL credit (F-2144, A-2204)

24. Advanced Floodplain
Requesting 2 hours GENERAL credit (F-2145, A-2205)

MOTION: Mr. Gathright made a motion that the committee approve courses 1 through 24, with the exception of course #s 2, 4, 6, 9, 16, 17, 19, 22, 23, and as presented.

SECOND: Mr. Carpenter seconded the motion and it passed unanimously.

Following discussion of course #2, the following action was taken.

MOTION: Mr. Gathright made a motion that the committee table course #2 until the following day in order for a revised outline to be presented for consideration.

SECOND: Mr. Kymalainen seconded the motion and it passed unanimously.

Following discussion of course #4, the following action was taken.

MOTION: Mr. Gathright made a motion that the committee deny course #4 due to a lack of detailed information.

SECOND: Mr. Kymalainen seconded the motion and it passed unanimously.

Following discussion of course #6, the following action was taken.

MOTION: Mr. Dudley made a motion that the committee approve this course with the addition of the word "cooling" in the title which will be changed to Green Water Cooling Towers.

SECOND: Mr. Demers seconded the motion and it passed unanimously.

Following discussion of course #9, the following action was taken.

MOTION: Mr. Dudley made a motion that the committee approve the course as submitted.

SECOND: Mr. Gathright seconded the motion and it passed unanimously.

Following discussion of course #16, the following action was taken.

MOTION: Mr. Dudley made a motion that the committee deny the course as submitted.

The motion died for lack of a second.

Following discussion, the following action was taken.

MOTION: Mr. Demers made a motion that the committee approve the course as submitted.

SECOND: Mr. Dudley seconded the motion.

Following discussion, Mr. Dudley withdrew his second, therefore, the motion died.

MOTION: Mr. Kymalainen made a motion that the committee approve the two hour course for one hour of continuing education credit.

SECOND: Mr. Demers seconded the motion and it passed unanimously.

Following discussion of course #17, the following action was taken.

MOTION: Mr. Gathright made a motion that the committee approve the two hour course for one hour of continuing education credit.

SECOND: Mr. Demers seconded the motion.

In discussion, Mr. Dumbaugh suggested changing the course by deleting the Polyfoam section and making it a one hour course.

Mr. Gathright withdrew his motion.

Following discussion, the following action was taken.

MOTION: Mr. Demers made a motion that the committee approve the course as "Roofing Installation – Thermoplastic Singly Ply" as a one hour course.

SECOND: Mr. Dudley seconded the motion and it passed unanimously.

Following discussion of course #19, the following action was taken.

MOTION: Mr. Dudley made a motion that the committee approve the course as submitted.

SECOND: Mr. Kymalainen seconded the motion and it passed unanimously.

Following discussion of course #s 22, 23, and 24, the following action was taken.

MOTION: Mr. Gathright made a motion that the committee approve the courses with modifications to the question and answer timeframes.

SECOND: Mr. Demers seconded the motion and it passed unanimously.

Mr. Dudley questioned why there was a form 4253 and a form 4256. Ms. Barineau responded that she would research this issue.

OLD BUSINESS

There was no old business to come before the committee at this time.

NEW BUSINESS

There was no new business to come before the committee at this time.

ADJOURNMENT

There being no further business to come before the committee, the meeting was adjourned at 5:48 p.m.

EXECUTIVE COMMITTEE

CALL TO ORDER

Mr. McCormick, Chair of the committee, called the meeting to order at 5:48 p.m.

Members Present

Bob McCormick, Chair
Art Barthlow
Dennis Carpenter
Gerry Demers
Fred Dudley
Richard Gathright
Bob Kymalainen
Orlando Lamas

Members Not Present

Nick Sasso

Others Present

Robyn Barineau, Executive Director
Elise Rice, Government Analyst
Khai Patterson, Board Counsel
Doug Harvey, BOAF
Bill Dumbaugh
Rob von Kampen, ICC
Myranda Walters, ICC
Joe Rebuck

OLD BUSINESS

There was no old business to come before the committee at this time.

NEW BUSINESS

There was no new business to come before the committee at this time.

ADJOURNMENT

There being no further business to come before the committee at this time, the meeting was adjourned at 5:50 p.m.

December 3, 2010 - 9:00 A.M.

CALL TO ORDER

Chair McCormick called the meeting to order at 9:01 a.m.

Members Present

Bob McCormick, Chair
Richard Gathright, Vice-Chair
Art Barthlow
Dennis Carpenter

Gerry Demers
Fred Dudley
Bob Kymalainen
Orlando Lamas
Nick Sasso

Others Present

Robyn Barineau, Executive Director
Elise Rice, Government Analyst
Khai Patterson, Board Counsel
Bill Dumbaugh
Rob von Kampen, Ph.D., ICC
Myranda Walters, ICC
Doug Harvey, BOAF

Chair McCormick informed the board that the agenda would be amended at this time.

ICC Update – Rob von Kampen, Ph.D.

Dr. von Kampen and Ms. Myranda Walters were both present on behalf of ICC. He discussed his report with the board.

Mr. Dudley asked if Dr. von Kampen could provide the board with a pass rate report. Dr. von Kampen responded that he will provide the information to the department.

Chair McCormick stated that the following continuing education course was tabled for additional information.

2. Ethics for Building Code Professionals
Requesting 1 hour ETHICS credit (F-2123, A-2183)

Mr. Dumbaugh provided additional information on the course for the board's review.

MOTION: Vice-Chair Gathright made a motion that the board approve the course based on the additional information.

SECOND: Mr. Kymalainen seconded the motion and it passed unanimously.

APPROVAL OF THE OCTOBER 27 - 29, 2010, MINUTES OF THE MEETING

Mr. Sasso stated that he had two additions or corrections, on page 3875 he stated that he said more than what was in the minutes and he wanted the following changes made: *“Vice-Chair Sasso responded that he appreciated the information, and he did not expect the department to support this initiative because in his opinion, the departments' priority has always been to sell licenses. He went on to state that the board does not "police" building departments and that any statistics most likely represent only a very small amount of what actually is taking place.*

He stated that it was not safe for a provisional building code administrator to be in charge of a building department without the benefit of taking a test. He does not

understand how the department could see otherwise. He does not support the provisional license and he believes that all building code administrators should be tested for the good of the public.”

Mr. Dudley commented that the minutes are not a verbatim transcript, however, he had no problem with members' requests that their particular comments be included in the minutes. He asked Mr. Sasso how he confirmed that these were his comments.

Mr. Sasso responded that he did it from memory. He did not check the CD. He asked staff to check the CD.

MOTION: Mr. Dudley stated it was not the responsibility of staff to make them verbatim, that in a case where member wants specific wording added to the minutes, he was willing to make a motion to support that.

SECOND: Mr. Barthlow seconded the motion.

Chair McCormick commented that it seems a little bit disparaging of the department and it is Mr. Sasso's opinion about the department is selling licenses. Mr. Sasso responded that is the meaning of what he said and you can't change the meaning of what he said. He feels that it is relevant for him to make that claim. Chair McCormick responded that he disagreed and that his disagreement did not necessarily have to be incorporated into the minutes. The minutes were fairly brief and were a concise record of the meeting and not intended to be a verbatim transcription.

Mr. Dudley stated that he strongly disagreed with Mr. Sasso's opinion that it is very difficult to get a license, and the essence of open government is a public record.

Mr. Sasso stated that he wanted the meaning of what he said reflected. Chair McCormick responded that he would want to hear the tape.

Following discussion, the following action was taken.

MOTION: Mr. Dudley made a motion that the board approve the changes to the minutes, subject to verification by staff of those words and if so, allow them to be put in the record.

SECOND: Mr. Barthlow agreed to change and it passed unanimously.

Mr. Sasso stated that the second change involves Mr. Dudley's comment on page 3877 and suggested it be changed as follows:

Mr. Dudley stated that he would also like for the prosecuting attorney to follow the law concerning the probable cause panel. He would like the prosecuting attorney to provide a written recommendation for each case and not have the cursory reviews, which is the current process.

*MOTION: Mr. Dudley made a motion that the board ***strike[adopt a policy that the]** prosecuting attorney follow the law, and make written recommendations to the Probable Cause Panel at each meeting.*

SECOND: Mr. Demers seconded the motion and it passed unanimously.

MOTION: Mr. Sasso made a motion that the minutes be changed as stated above.
SECOND: Mr. Dudley seconded for discussion purposes.

Mr. Dudley asked if, in fact, the example is correct and the tape and the minutes vary if there is any legal significance. Ms. Patterson responded that the minutes are a summary and do not have to be verbatim.

Chair McCormick stated that the changes would be made after staff reviews the CD.

Following discussion, a vote was taken on the motion which passed with Chair McCormick voting against the motion.

Vice-Chair Gathright stated that on page 3877 he noted that he has spoken with staff as he did not vote against the motion. Ms. Rice informed the board that the minutes on the web had been corrected.

MOTION: Vice-Chair Gathright made a motion that the board accept the minutes with the changes.

SECOND: Mr. Demers seconded the motion and it passed unanimously.

REPORTS

Chair's Report – Bob McCormick

Chair McCormick stated that someone asked Mr. Dennis for information about Architects and Engineers and he shared his opinion at the last meeting Mr. Dennis indicated that there is an exemption in their practice acts from being licensed by this board which Chair McCormick said he was going to put in the newsletter and wanted it posted on hot topics section on the web. Chair McCormick stated that he had changed his mind and discussed this with Mr. Dennis. He stated that the rules are not this board's rules. They are the other boards' rules. It should be raised through a declaratory statement through the other boards. Chair McCormick stated that it has not been posted on the web and if someone asks what it means, they should share with them Mr. Dennis's opinion.

Chair McCormick asked the members not to answer the question differently as individuals. The fact is that Mr. Dennis did the research as he was asked and his opinion was that they are not required to have licensure.

Mr. Sasso stated that this was an incorrect and rash opinion, and he could not do that.

Chair McCormick asked everyone to be consistent with Mr. Dennis's opinion. He further stated that the staff will say a license is not required. Following discussion, Ms. Patterson suggested that if someone inquires about this, the question should be sent to the board counsel for a response.

Application Review Committee – Nick Sasso Ratification of Actions Taken by the Committee

Mr. Sasso stated that he was not present for the committee meeting, however he would still give the report. He reported that there were 29 applications approved and seven denied. At this time, he read into the record the denials.

Berko, Joseph Michael – Plumbing Inspector – lack of experience; Cruz, Josue Ramses – 1 & 2 Family Dwelling Inspector – failed to demonstrate acceptable experience; Desari, Sandeep S. – 1 & 2 Family Dwelling Inspector – lack of experience; Hites, Larry Joseph – lack of experience; Lomastro, Gerardo – Provisional Building Plans Examiner – not new hired or promoted into the position; Slater, Wade Alton – Building Inspector – lack of experience; Worley Williams, Candice D. – Building Inspector – lack of experience.

MOTION: Mr. Dudley made a motion that the board accept the report as presented.
SECOND: Mr. Carpenter seconded the motion and it passed unanimously.

Ratification List

MOTION: Mr. Carpenter made a motion that the board approve the ratification list as submitted.
SECOND: Mr. Dudley seconded the motion and it passed unanimously.

Chair McCormick stated that Mr. Sasso was not present at the meeting on Wednesday.

MOTION: Mr. Dudley made a motion that the board excuse Mr. Sasso's absence.
SECOND: Mr. Carpenter seconded the motion and it passed unanimously.

Rules and Legislation Committee – Richard Gathright

Vice-Chair Gathright reported that there were no bills at this time that affect this board or construction. He reported that HB 13, SB 130 and SB 82 pertain to Onsite Sewage Treatment Disposal systems and this legislation was a proposal to reverse legislation that was passed during the 2010 Session.

Vice-Chair Gathright reported that after discussion of Rule 61G19-1.009, F.A.C. - Definitions, no action was taken on the topic of developing a check list as a guideline to determine hands on experience. Mr. Harvey stated that he would discuss this with the BOAF board and if they approve, he will work on the guidelines.

Vice-Chair Gathright stated that the committee discussed HB1565 and how it will affect the rule making process in the future.

Examination and Continuing Education Committee – Bob McCormick

Chair McCormick reported that there were 26 courses reviewed, 22 approved, two denied, one approved with some modifications, and one approved for presentation for two hours but with only one hour of credit.

Executive Committee – Bob McCormick

Chair McCormick stated that there appears to be some agreement with the issue that Mr. Sasso raises at many meetings regarding what is charged for examinations and

asked if there were any suggestions on this issue. Mr. Dudley responded that it was too late to submit any changes for this upcoming legislative session, and he would not be in support of any increase in fees.

Following discussion, Chair McCormick asked that this be placed on the June 2011, meeting agenda for discussion.

Board Counsel – Khai Patterson

Ms. Patterson stated that she did not have a report.

Executive Director – Robyn Barineau

Update on Continuing Education Reciprocity with the Division of State Fire Marshal

Ms. Barineau stated that based on the concerns expressed at the October meeting, there will be a workshop at the February meeting, and she had notified the interested parties of same.

Ms. Barineau informed the board that there would be an additional day added for the February meeting because of the proposed workshops. She also informed the board that she had received a letter from the Board of Architecture and Interior Design (BOAID) Chair requesting that they be allowed to host a joint meeting on Friday of this meeting. Ms. Barineau stated that application review would be held on Tuesday and the Probable Cause Panel would meet on Wednesday morning.

Report on Applications Ratified Through the E-Mail Process

Ms. Barineau reported that the November 15, 2010, list contained three names, of which, one was pulled based on a board member request. She stated that the application was reviewed and approved by the Application Review Committee.

Financial Report for Quarter Ending 9/30/10

Ms. Barineau informed the board that in the operating account was over \$811K and the balance in the unlicensed activity account was over \$260K. She will keep the board advised of the impact of the revised surcharge payments.

Ms. Barineau informed the board that the April meeting had been changed from Panama City to Tampa.

Chair McCormick asked that each member be provided a copy of the letter from the BOAID board.

Mr. Harvey informed the board that BOAF will be working with the BOAID to establish clarity from the building departments, which was also for the Board of Professional Engineers.

PUBLIC COMMENTS

There were no comments from the public at this time.

OLD BUSINESS

Mr. Dudley informed the board that he spoke to the General Counsel of the department about the requirement of the prosecuting attorney to make recommendations and he was in agreement.

Mr. Sasso commented that in the disciplinary cases, they are for practicing beyond the scope of the license and not unlicensed activity. He stated that he felt that if they don't hold the license in that category but hold a license in another category, the case should be for unlicensed activity.

Chair McCormick stated that if they hold a license then it is practicing beyond the scope. Mr. Sasso asked board counsel to research this as he feels it is incorrect.

Ms. Barineau stated that the prosecuting attorney should be present for this discussion. Ms. Patterson stated that she would inform Mr. Dennis of this issue. Chair McCormick asked that this be on the next agenda when Ms. Duffy is present.

NEW BUSINESS

There was no new business to come before the board at this time.

ADJOURNMENT

There being no further business to come before the board, the meeting was adjourned at 11:07 a.m.